



overbearing impact. The proposal would be contrary to policy GP1 and GP10 of the City of York Development Control Local Plan 2005."

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH4A  
Housing Windfalls

CYGP10  
Subdivision of gardens and infill devt

CYL1C  
Provision of New Open Space in Development

CYGP1  
Design

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Environmental Protection Unit - No Objections.

3.2 Highway Network Management - No Objections.

3.3 York Consultancy (Drainage) - No Objections.

EXTERNAL

3.4 Dringhouses/Woodthorpe Planning Panel - Objections.

- \* Site too small for a development.
- \* It would appear to be overcrowded.
- \* The requirement for a garage would also minimise available space
- \* Loss of Amenity.

3.5 Four letters of objection and one of comment have been received regarding the applicants' proposals. The letters of objection raise the following concerns.

- \* Loss of Light.
- \* Devaluation of Property.
- \* Overlooking.
- \* Increase in surface water run-off.
- \* Overcrowding.
- \* Traffic Concerns.
- \* No Material Change.

## **4.0 APPRAISAL**

### KEY ISSUES

- \* Policy Context
- \* Principle of Development
- \* Visual and Residential Amenity
- \* Highway Issues

### POLICY CONTEXT

4.1 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2 GP1 - Design: bolsters the aforementioned 'design' issues and requires the design, layout, scale, mass and design of any new building to respect and enhance the character and appearance of the local environment/street scene.

4.3 GP10 -Subdivision of Gardens and Infill Development: planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character.

4.4 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments. Therefore for sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

### PRINCIPLE OF THE DEVELOPMENT

4.5 The applicant has applied for outline approval to ascertain whether the principle of developing this particular site with a detached dwelling would be acceptable. The applicant proposes to sub divide an existing garden area, which can be easily accessed from the existing driveway. Issues relating to siting, design, external appearance, access and landscaping will be dealt with in an subsequent reserved

matters application. The Local Authority will recommend conditions at this stage to ensure that any material issues are appropriately addressed at the reserved matters stage.

## VISUAL AND RESIDENTIAL AMENITY

4.6 The southern elevation of the proposed dwelling will, although located within 2 metres (provision in application 07/00271/OUT was 1 metre) of the shared boundary with properties on Chantry Close, represent little threat to the existing amenity provisions currently enjoyed by these properties. The "setting in" from the aforementioned boundary has resulted in a reduction of the dwellings footprint from 68sqm to 59sqm. A provision of approx. 11.6 metres has been made to the rear elevations of the aforementioned properties, with direct views being impeded by existing outbuildings and dense shrub/tree planting. The rear gardens of these properties face north and therefore there will be no material overshadowing by the applicants' proposals.

4.7 The close proximity of the dwelling to the boundary is not considered to be overbearing. Heights to eaves and ridgelines have not been specified at the outline stage, however to mitigate any amenity impact conditions have been recommended to secure the roof type (hipped) and height of the proposed bungalow. The proposed bungalow will not be higher than No.14, Foxton and the hipped roof will result in the ridgeline being set as far away from the southern boundary as possible.

4.8 A distance of 8.4 and 13 metres is provided to the shared boundaries with No.12, Foxton and No.33, Carrfield respectively. These provisions along with the height of existing boundaries will mitigate any impact from any ground floor windows within the western and eastern elevations.

4.9 Conditions have also been recommended to ensure that any openings in the bungalows southern elevation are obscurely glazed, mitigating any overlooking or the perception of being overlooked.

## HIGHWAY ISSUES

4.10 Garaging and parking/access details have been shown on the submitted drawings, however outline consent for such details has not been requested at this stage. The plans shows the inclusion of two detached garages, one for the existing and one for the proposed property. Provision for approx. 5 vehicles appears to exist. Conditions have been included to ensure that details of all future parking/cycle arrangements are submitted for consideration and written approval by the Local Planning Authority.

## 5.0 CONCLUSION

The applicants proposals are considered to be acceptable in this instance and are therefore recommended for approval.

**6.0 RECOMMENDATION:** Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: access, appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

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or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority

4 Prior to the development commencing full details of car parking, turning and cycle storage (including means of enclosure) shall be submitted to and approved in writing by the LPA and such areas shall thereafter be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other openings shall at any time (unless obscurely glazed) shall be inserted in the southern elevation of the dwelling hereby approved.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to F of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L1C of the City of York Draft Local Plan

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £128 (1 x bedroom dwelling), £815 (2 x bedroom dwelling), £1227 (3 x bedroom dwelling), £1632 (4 x bedroom dwelling) and £2139 (5 x bedroom dwelling)

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

8 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

9 The dwelling hereby approved shall be single storey with no accommodation in the roof unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to land use, visual and residential amenity. As such the

proposal complies with Policies GP1, H4a, GP10 and L1c of the City of York Development Control Draft Local Plan.

## 2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

a. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

c. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

d. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

e. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

f. There shall be no bonfires on the site

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